

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
COURT FILE NO.: CV - \_\_\_\_\_**

<p>JOSEPH GUALTIERI</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>ACADEMY COLLECTION SERVICE, INC.</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;"><b><u>COMPLAINT</u></b></p>  <p style="text-align: center;"><b><u>JURY TRIAL DEMANDED</u></b></p>
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**JURISDICTION**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff Joseph Gualtieri is a natural person who resides in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Academy Collection Services, Inc., (hereinafter "Academy") is a domestic corporation and a collection agency operating from an address of 10965 Decatur Road Philadelphia, PA 19154, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

6. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes, that went into default for late payment, and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).
7. The Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff, when thereafter Plaintiff started receiving collection communications from Defendant in an attempt to collect this debt.

#### ***Messages left for Plaintiff***

8. Within the past year, the following messages were left for Plaintiff by Defendant Academy:
  - (a) On or about December 5, 2007, Plaintiff received a message on his phone at work from a David Gallagher who only identified himself as being retained by Chase in order to determine the best method to settle this outstanding account.
  - (b) On or about December 14, 2007, Plaintiff received a message on his phone at work from a caller who identified himself as Tom Reed and left a message for “Plaintiff to contact him immediately”.
  - (c) On or about December 14, 2007, Plaintiff received a message on his phone at work from a caller who identified himself as Tim Larson and left a message that “it was very important that he return his call at 800-220-0605”.
  - (d) On or about December 19, 2007, Plaintiff received a message on his phone at work. “Call me, David Gallagher at 215-281-7500 x2611, it is very important that you contact me.”
  - (e) It is essential that you return my call, the number where I can be reached is 1-800-220-0605, extension 2770 thank you very much and you have a great day.

- (f) Please return a call to Nancy Davis at 1-800-220-0605. My extension is 2772. It is essential that you return my call as quickly as possible. This matter is time sensitive so please extend the courtesy of a return call.
- (g) If you get this message I would like to speak with you today. Joe, I would like you to contact me. I want you to refer to your case number, which is 14397759-AC1. (Allegheny county 1) Joe, call me when you get this message and use my toll free number. Okay that number is 1800 220 0605 and my extension is 2538. Okay, um actually Joe, let me give you a different extension, extension 2605. Call me when you get this message Joe, before I make a decision on something, one that could have an adverse effect on you. It is very important that I speak with you and get your side of the story on something. Again your case number is 1439775-AC1, Allegheny county 1.
- (h) Joe I need to speak with you today, I want you to contact me please and I want you to refer to your case number please, 14397759-AC1, Allegheny county 1. Call me when you get this message, it is very important that I speak with you. My number is 1800 220 0605 and the extension is 2538, okay or 2605, either one. Both extensions will come to me. Call me when you get this message, Joe.
- (i) Hi this message is for Joe Gualtieri, this is Tom Reed. Joe call me when you get this message. My number is 1 800 441 6881 and my extension is 2605. Use this extension when you call me. Contact me when you get this message, Joe and refer to your case number, which is 1439775-AC1, Allegheny county 1. Call me

when you get this message. Joe it is very important that I speak with you and get your side of your story on something.

(j) Joe Gualtieri, call Tim Larson at 1800 220 0605 extension 2572. This is in reference to a business matter that concerns you that I need to make a decision on, and uh, I'd rather speak to you first. So call me right away at 1 800 220 0605 ext 2572. Thanks.

(k) This message is for Joseph Gualtieri. Joseph I need to speak with you right away about a situation. Please give me a call. My phone number is 1 800 441 6881. My extension here is 2572.

9. The aforementioned calls from Defendant Academy to Plaintiff are collection communications in violation of 15 U.S.C. §§ 1692e, e (10) and e (11) of the FDCPA.

### **CAUSE OF ACTION**

#### **COUNT I.**

#### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

#### **15 U.S.C. § 1692 et seq.**

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
11. The foregoing intentional and negligent acts and omissions of the Defendant constitute a violation of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
12. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to statutory damages and, reasonable attorney's fees and costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against the Defendant:

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

**15 U.S.C. § 1692 et seq.**

- for an award of statutory damages; and
- for an award of costs of litigation and reasonable attorney's fees.

Date:

Respectfully submitted,

**JEFFREY L. SUHER, P.C.**

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